

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--|---|---------------------------|--|------------------------------------|---------------------------------|
| Investigator: Sara Griffin | Team: APU | CCRB Case #: 201901243 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Sunday, 01/27/2019 4:57 PM | Location of Incident: Over the phone | Precinct: 70 | 18 Mo. SOL 7/27/2020 | EO SOL 3/13/2021 | |
| Date/Time CV Reported Mon, 01/28/2019 5:54 PM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Mon, 02/11/2019 11:10 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| [REDACTED] | [REDACTED] | [REDACTED] |

| Subject Officer(s) | Shield | TaxID | Command |
|------------------------|--------|--------|---------|
| 1. DT3 Raymond Higgins | 3230 | 941338 | 070 DET |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| A.DT3 Raymond Higgins | Abuse: Detective Raymond Higgins made a sexually suggestive remark to § 87(2)(b) [REDACTED] | [REDACTED] |

Case Summary

On January 28, 2019, Captain Noema Ioffe called IAB and filed the following complaint on behalf of § 87(2)(b). On February 11, 2019, IAB referred the complaint to the CCRB via Log # 19-4623.

On January 27, 2019, at approximately 4:57 p.m., Detective Raymond Higgins of the 70th Precinct Detective Squad engaged in a text message conversation with § 87(2)(b) a domestic violence victim, in regard to a case he was investigating. In the course of the text conversation, Det. Higgins made a sexually suggestive remark to § 87(2)(b) (**Allegation A-Abuse of Authority, § 87(2)(g)**).

Findings and Recommendations

Allegation A- Abuse of Authority: Detective Raymond Higgins made a sexually suggestive remark to § 87(2)(b)

It is undisputed that Det. Higgins was assigned to a domestic violence case involving § 87(2)(b) and her ex-boyfriend. After interviewing § 87(2)(b) in person, Det. Higgins engaged in a text message conversation with § 87(2)(b) to ask follow-up questions. It is undisputed that in the course of the conversation, Det. Higgins inquired about § 87(2)(b)'s career field. § 87(2)(b) informed Det. Higgins that she worked as a § 87(2)(b), to which Det. Higgins replied, "Oh wow hot § 87(2)(b) (smirking emoji)." It is undisputed that § 87(2)(b) notified the 70th Precinct Domestic Violence Officer about Det. Higgins' text, who in turn notified Captain Ioffe.

§ 87(2)(b) was uncooperative with the investigation and a sworn statement was not obtained.

The text messages between § 87(2)(b) and Det. Higgins were provided to the investigation by IAB (Board Review 1).

Det. Higgins testified (Board Review 2) that he sent the "oh wow hot § 87(2)(b)" text message to § 87(2)(b) because he wanted to compliment her since she had a long history of bad relationships with men. Other than complimenting her, there was no other reason Det. Higgins sent the "oh wow hot § 87(2)(b)" text message.

Patrol Guide Procedure 203-09 (Board Review 3) states that officers are to interact with members of the public in a professional manner.

Patrol Guide Procedure 203-10 (Board Review 4) states that the use of offensive language towards a person's gender is prohibited.

Patrol Guide Procedure 205-36 (Board Review 5) states that sexual harassment includes, but is not limited to, sexually suggestive remarks.

Patrol Guide Procedure 210-01 (Board Review 6) states that the NYPD has a zero-tolerance policy towards all forms of sexual harassment of prisoners by any person.

Although § 87(2)(b) was not a prisoner, Det. Higgins was interacting with her in a law enforcement capacity. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 7).
- Det. Higgins has been a member of service for 12 years and has been a subject in seven CCRB complaints and 10 allegations, of which two were substantiated (Board Review 8):
 - 201016221 involved a substantiated allegation of physical force against Det. Higgins. The NYPD added the allegation and imposed instructions.
 - 201506328 involved a substantiated allegation of a frisk against Det. Higgins. The Board recommended formalized training and the NYPD imposed formalized training.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 9).
- On April 16, 2019, a request was sent to the Office of the New York City Comptroller in regard to any notice of claim filed by § 87(2)(b). The results will be added to the case file upon their receipt.

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date